

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201900776	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/05/2019 10:35 PM	Location of Incident: 75th Precinct stationhouse	Precinct: 75	18 Mo. SOL 7/5/2020	EO SOL 2/19/2021	
Date/Time CV Reported Fri, 01/25/2019 1:54 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 01/25/2019 1:54 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Michael Hansson	02972	949084	075 PCT
2. POM Stephan Carr	02540	948751	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Oyague	01807	953159	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephan Carr	Abuse: Police Officer Stephan Carr did not process § 87(2)(b)'s complaint regarding officers.	
B.SGT Michael Hansson	Abuse: Sergeant Michael Hansson did not process § 87(2)(b)'s complaint regarding officers.	

Case Summary

On January 11, 2019, § 87(2)(b) filed this complaint with the CCRB in person.

On January 5, 2019, at approximately 10:35 p.m., § 87(2)(b) went to the 75th Precinct stationhouse. § 87(2)(b) spoke to PO Stephan Carr, of the 75th Precinct, and told him that she wished to file a complaint against officers who issued her a summons earlier that day. PO Carr referred § 87(2)(b) to the CCRB's poster and told her to contact the agency (**Allegation A: Abuse of Authority**, § 87(2)(f) § 87(2)(b) requested to speak to a supervisor and PO Carr called Sgt. Michael Hansson, also of the 75th Precinct. § 87(2)(b) told Sgt. Hansson about her earlier interaction with officers and said that she wished to file a complaint against them. Sgt. Hansson told § 87(2)(b) that there was nothing he could help her with (**Allegation B: Abuse of Authority**, § 87(2)(g) § 87(2)(b) left the stationhouse without filing the complaint.

As a result of this incident, § 87(2)(b) was not arrested or summonsed.

The investigation was provided with one BWC recording of this incident, which is located in and can be viewed from the Investigative Action #31.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Stephan Carr did not process § 87(2)(b) s complaint regarding officers.

Allegation (B) Abuse of Authority: Sergeant Michael Hansson did not process § 87(2)(b) s complaint regarding officers.

It is undisputed that § 87(2)(b) appeared at the 75th Precinct stationhouse and spoke to PO Carr and Sgt. Hansson about filing a complaint against officers.

§ 87(2)(b) (BR 01) stated that she arrived at the stationhouse and spoke to PO Carr. § 87(2)(b) told PO Carr about her interaction with officers and said that she wished to file a complaint against them. § 87(2)(b) handed PO Carr a business card provided to her by the officers she wished to complain about. PO Carr took the business card and walked away. Several minutes later, PO Carr returned, handed the business card back to § 87(2)(b) pointed at a bulletin board with the CCRB's information, and asked § 87(2)(b) to contact the agency to file her complaint. § 87(2)(b) asked PO Carr for a pen and paper to write down the information, which he provided to her. § 87(2)(b) then asked PO Carr if she could speak to a supervisor. PO Carr called Sgt. Hansson to the front desk. § 87(2)(b) also told Sgt. Hansson about her interaction with officers and repeated that she wished to file a complaint against them. Sgt. Hansson told § 87(2)(b) that there was nothing he could do for her. § 87(2)(b) left the stationhouse without filing the complaint.

There is no video evidence of PO Carr's interaction with § 87(2)(b)

Sgt. Hansson's BWC (BR 02), between 22:53:15 and 22:54:10 minutes, shows Sgt. Hansson greeting § 87(2)(b) in the waiting area of the 75th Precinct stationhouse. § 87(2)(b) complains to Sgt. Hansson about her interaction with officers who stopped her. At the 22:54:50 minute mark, Sgt. Hansson says to § 87(2)(b) "When I just walked out, I heard an officer talking to you about a number to IAB or CCRB. If you want to make a complaint, which you are more than welcome to... Everything on that stop is recorded on the body cameras. If you feel you had done nothing wrong, everything is recorded. So, if you have a legitimate cause, like what they were doing is wrong, it is all on there [on cameras]." § 87(2)(b) replies, "It is understandable. I am just saying to you that it was very unprofessional." Sgt. Hansson tells § 87(2)(b) that it is hard for him to determine what happened based on her sole account. § 87(2)(b) responds that she is just frustrated with how the officers treated her. At the 22:56:04 minute mark,

Sgt. Hansson says to § 87(2)(b) "I understand your frustration. You just have to understand from my end here, my hands are tied. The only thing I can offer you is to talk to them." § 87(2)(b) interrupts Sgt. Hansson and replies, "No. You know what?" Before § 87(2)(b) can finish her sentence, Sgt. Hansson continues, "Or, you know, like the officer came and gave you the number to the Internal Affairs, and the officer gave you the number to the CCRB. Whatever you want to do." § 87(2)(b) then asks Sgt. Hansson to provide her the numbers again. At the 22:56:18 minute mark, Sgt. Hansson says to § 87(2)(b) "The numbers that the cop gave you before, it is posted on here somewhere." Sgt. Hansson verbally provides the IAB number to § 87(2)(b). He then turns to the right and says, "And, there is the Civilian Complaint Review Board on the bottom. That would be the number right there. You can call them and report, if you want to. The officer's information is on that summons." The camera captures a large bulletin board with several posters. § 87(2)(b) looks at the board and replies, "Thank you." At the 22:56:55 minute mark, Sgt. Hansson says to § 87(2)(b) "There is not too much that I can do. In other words, just to talk to them." At the 22:57:58 minute mark, § 87(2)(b) thanks Sgt. Hansson for his assistance as she turns to the bulletin board. Sgt. Hansson replies, "No problem," and walks away.

PO Carr (BR 09) did not recall this incident. PO Carr was at the telephone switchboard operator's desk answering telephone phone calls, assisting the desk sergeant, handling property voucher requests from civilians, and performing various other administrative tasks. PO Carr did not remember § 87(2)(b) coming to the stationhouse and wanting to file a complaint against officers. PO Carr denied refusing to process § 87(2)(b)'s complaint against officers and he did not see any other officer do so. PO Carr did not remember who the desk sergeant was on the incident date or whether Sgt. Hansson was the desk sergeant. PO Carr did not remember if he referred a civilian who wished to file a complaint against officers to Sgt. Hansson. PO Carr stated that in cases when a civilian comes to the stationhouse to file a complaint against officers, he usually refers the individual to the CCRB poster that is hanging on the wall somewhere in the vestibule area of the stationhouse, and informs the desk sergeant about the civilian's intention to file a complaint. The desk sergeant then decides what to do with the complaint.

Sgt. Hansson § 87(2)(g) testified that he was sitting behind his desk when an officer, whose name he did not recall, approached him and said that there was a female in the vestibule area who wished to speak to him. Sgt. Hansson entered the vestibule area and saw § 87(2)(b) § 87(2)(b) complained about her interaction with officers and that she was issued a summons unjustly. Sgt. Hansson told § 87(2)(b) that she could file a complaint against the officers with the IAB or CCRB, if she wished, and then pointed to the bulletin board with the CCRB's poster. Sgt. Hansson acknowledged that he is familiar with the Patrol Guide procedure about processing civilian complaints against members-of-service. Sgt. Hansson stated that if somebody wants to make a complaint, he would record it in the Command Log, notify the CCRB and make a statistical summary sheet, have the civilian complete the form, and then it all gets forwarded to the CCRB. Sgt. Hansson stated that, in this incident, he "did not feel like it was important to follow that procedure, because she § 87(2)(b) was more upset about the summons. That's why I directed her to the poster." Sgt. Hansson denied refusing to process § 87(2)(b)'s complaint against the officers, but acknowledged he never offered § 87(2)(b) the opportunity to complete the CCRB complaint form at the stationhouse because he felt she was more upset about the summons.

Sgt. Hansson completed a Command Log entry (BR 05) on January 5, 2019, at 11 p.m., regarding his interaction with § 87(2)(b) and that she was considering filing a CCRB complaint

due to her “displeased interaction with PD.” Sgt. Hansson noted that the entry was accurate and that § 87(2)(b) never said that she wished to file a complaint, but sounded like she was only considering doing so.

PO David Oyague (BR 10) did not recall this incident. PO Oyague was assigned to assist the desk sergeant and the telephone switchboard operator in various administrative duties. PO Oyague did not recall seeing § 87(2)(b) at the stationhouse, nor did he remember seeing any civilian coming to the stationhouse who wanted to file a complaint against officers, or any officer refusing to process a complaint.

The NYPD Patrol Guide Procedure 207-31 (BR 04) states that upon receipt from a civilian alleging misconduct by a uniformed member of service, officers must report misconduct to the Civilian Complaint Review Board. If the complaint is made in person, the receiving officer must interview the complainant and provide him or her with a copy of the complaint report to be prepared in complainant’s own handwriting.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one CCRB complaint and has been named a victim in two allegations (BR 06):
 - § 87(2)(b)
- PO Stephan Carr has been a member of service for nine years and has been a subject in seven CCRB complaints and 11 allegations, two of which were substantiated:
 - 201609781 involved substantiated allegations of abuse of authority (vehicle search) and abuse of authority (retaliatory summons). The Board recommended Command A Discipline, and the NYPD has not yet imposed discipline.
- Sgt. Michael Hansson has been a member of service for eight years and has been a subject in nine CCRB complaints and 23 allegations, of which one was substantiated:
 - 201201649 involved substantiated allegation of discourtesy (word). The Board recommended Charges and the NYPD imposed Command Discipline B.

Mediation, Civil and Criminal Histories

- § 87(2)(g)
- As of June 10, 2019, Notice of Claim has been filed regarding this incident (BR 08).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: 4

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date